1:Stanford U. S-4, 5 1956 AF 15 East China

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Annex "A," Subparagraph 2d, Political Background

## PUBLIC ORDER AND SAFETY

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692 Because of the large population and the complex society which exists in the East China Region, the Chinese Communists face many difficulties in maintaining public order and safety within its borders. In attempting to achieve this end, and in consolidating their political gains, the Communists have not hesitated to employ a strategy of terror. The Communists employ various means for the suppression of opposition and maintain a rigid control over the population. The People's court system, the People;s procuratorates, and the public security agencies are all instruments of suppression.

The People's court is conceived neither as an institution of justice nor as a protector of individual rights; it is designed to serve as a weapon of the state for "safeguarding the People's democratic system and protecting public property." In a similar manner, in order to insure observance of the law, the local People's procuratorate, although a "judicial organ," exercises procuratorial authority over all local state agencies, over government workers, and over all citizens in general. It also serves as an agency of control by supervising People's courts in matter of adjudication, by exercising a check over public security agencies in investigation activities and in the execution of judgment in criminal cases. The public security agency, the police, and the security forces are instruments of violence. They assume direct responsibility for the maintenance of public order.

1:Stanford U. S-4, 5 1956 AF 15 East China
~~AF 15~~ AF15

625 692 In addition to the use of violence as their primary means these various agencies of suppression form an integrated system, subject to the control of the Central People's Government and rigidly supervised by the Communist Party, and they all share the responsibility of ensuring the execution of codes and regulations relative to the maintenance of public order and safety. This chapter deals with the People's courts and People's procuratorate, the public security agencies and police, and codes and laws governing counterrevolutionary activities.

## I. People's Court and People's Procuratorate

### A. People's Court

692 After the establishment of the Supreme People's Court[1] in November 1949, the East China Branch Court of the Supreme Peope's Court was established. Liu Ming-sen was named as its president. The People's Court served as the representative of the Supreme People's Court in this region and as the final court of the region. At about the same time, the Municipal People's Court of Shanghai was also established.[2] However, it was placed under the authority of the Military Control Committee of Shanghai. This fact reduced the Municipal Court to a combination of military and administrative tribunal. Local courts in this

1. Report of Shen Chün-ju, former President of the Supreme People's Court, People's Daily, June 2, 1950. p. 1.

2. Work report of Shanghai Court, Liberation Daily, January 8, 1950; April 31, 1950, p. 5.

head of the Department of Public Security of the Shanghai municipal government.[19]

People's procuratorates have co-ordinated their main task with the key drives of the country. The discovery of nationwide corruption and inefficiency together with the urge for renewed suppression of counterrevolutionary activities in 1955 have decided the responsiblities of the People's Procuratorates.

## II. PUBLIC SECURITY AGENCIES AND POLICE

### A. Public Security Agencies

As the chief instrument of the Communist regime in its effort to maintain close vigilance over the entire populace and to assume the responsibility for the execution of arrests and punishment, the public security agency is perhaps the Communists' most powerful instrument of violence. In addition to its wide establishment in the rural and urban districts, the public security agency maintains organizations of all types in all government and industrial organizations. These public security agencies are further aided by public security networks organized among the masses, and by the judicious use of informers. Security forces, allegedly a branch of the armed forces, in collaboration with other secret agencies of the Communist Party, are the instruments of violence placed at the disposal of the public security agencies at all levels.

1. Organization Under the direction of the Ministry of Public Security of the Central People's

19. Liberation Daily, Jan. 25, 1951, p. 2.

647 625 Government, similar departments and bureaus are organized at all levels, extending down to the public security commissions in the hsiang. The public security system is one of extreme centralization and is operated entirely by the Communist Party.

In the East China Region prior to 1954, a Department of Public Security under the East China Military and Political Committee was maintained. Because of the need for secrecy, and perhaps because of the sinister role it played, information on its organization and activity is not available. However, a report from the Nationalist Government on Formosa indicated[20] that the organization was composed of eight sections: political security, police, border security, armed security, "Reform-through-labor" (forced labor), intelligence, and personnel. Security cadre schools, security regiments, and other security commands were reported to be under the direct jurisdiction of this department. At the provincial level, the department maintained an elaborate organization, comprised of an administrative office and offices devoted to political security, security administration, police, general service, and Reform-through-labor. Other units such as the security cadre schools, coastal public security bureaus, and forced labor battalions were included.

701 In addition to the public security agencies in the East China Region, military authorities also shared a considerable responsibility in the maintenance of "public order and safety." The Military Control Committee in the major cities had been

20. Organizational Chart, Communist Military, Public Security and Intelligence Organization, Taipei, 1953.

70/ an important instrument in public security work. Military authorities are particularly active along the coast where attack from Formosa is possible. Thus, Yeh Fei, present governor of Fukien, is also the commanding general of the Fukien military district and of the 10th Army Corps of the Chinese Red Army, which is deployed opposite the Formosa strait. The Shanghai Military Control Committee, with Ch'en I, commanding general of the old Third Field Army, as its head, has jurisdiction in matters of military and public security.

625 687 2. Public Security in Rural Areas During the land reform, the regime relied upon the Peasants' Association, the militia, and the People's tribunals for the elimination of landlords and "despots" and the enforcement of decrees. According to an order of the East China Military and Political Committee, concerning the punishment of landlords,[21] issued in September 1950, those who were accused of falsifying reports of property, the destruction or sale of property, the killing of cattle, and the destruction of farming implements were given one year's imprisonment. Creating rumors with a view toward misrepresenting government policy, distribution of land without the authority of the Peasants' Association, and other acts tending to lead to the disruption of rural government were crimes justifying a sentence of at least five years' imprisonment. The death

21. Chung-yang Ts'ai-ching Cheng-ts'e Fa-ling Hui-pien [Compendium of Law and Regulations Concerning Financial and Economic Policies of the Central Government] , Peking, Financial and Economic Committee of the Gov't. Adm. Council, 1952.

625 687 sentence was given to those who attempted to overthrow the rural government, murdered Communist cadre, sabotaged factories, or engaged in banditry.

Directives from the East China Region with regard to the control of landlords after land reform are not available to us; however, the directives on the same subject issued by the Central-South Military and Political Committee may serve as illustrations of the measures taken by Communist authorities in this region.[22]

Landlords sentenced to imprisonment for five years to life were sent to Reform-through-labor camps. Those receiving sentences of less than one year were placed under the control of the hsiang government, denied the right to travel and the right to receive guests, and were compelled to engage in "productive activities."

625 Another measure taken at the conclusion of and reform was the establishment of security committees in the rural areas to organize mass participation in public security work.[23] The committee is established in each village and has three to eleven members elected at mass meetings and chosen from among activists in various organizations. Under the committee, public security teams of three to five activists are formed to establish a network in the village and in local organizations. In collaboration with the Party, the judicial agencies, and the mediation committees

22. Yangtze Daily, Aug 20, 1952, p. 1.

23. Regulation on committee, issued by Ministry of Public Security, ibid., Aug. 11, 1952, p. 1.

widely established in the rural areas, these security committees form the backbone of the security system.

Unrest widely reported in the rural areas made it necessary for the Communists to further strengthen their work of rural security. In April 1954, an editorial in the People's Daily[24] urged as the chief means of improvement the strengthening of milita and the security committees. The employment of "mobile" People's tribunals and the circuit People's procuratorate teams were also used to ameliorate the work of public security. To combat the general increase in suspected arson and other criminal activities in 1955, a directive was issued by the Ministry of Public Security of the Central Government, urging the strengthening of fire prevention in the rural areas;[25] another directive provided for the transfer of security forces below the administrative district level from the military command to that of the public security bureaus in the administrative district and county governments.[26]

3. Public Security in the Cities The task of maintaining public order and safety in the cities

24. People's Daily, April 28, 1954, p. 1.
25. Ibid. May 29, 1955, p. 2.
26. Ibid. July 31, 1955, p. 2.

625 is more complex than in the rural areas. The Communists take at least four measures: (a) the establishment of an extensive public security organization; (b) the rigid control of census and stern restrictions over resident movements; (c) the establishment of resident organizations to watch over the populace and of public security teams to supervise security matters in all organizations; and (d) the strict regulation of all commercial and recreational activities.

The responsibility for the maintenance of "public order and safety" in the cities rests with the Public Security Bureau. The Public Security Bureau in a municipal government maintains eight sections and several special units. The eight sections include a secretariat, and offices concerned with political security (including intelligence, investigation, and confidental communication), security administration, criminal police, sanitation, fire prevention, supply, and personnel. Special units under the supervision of the bureau include prisons, detention houses, and Reform-through-labor camps as well as security training schools and security forces. Under the bureau, ch'ü sub-bureaus and public security sub-stations have been established. The sub-bureau takes charge of detention houses and directs the work of public security sub-stations and the security committees under them.

In the East China Region, Communist control over the urban populace was greatly facilitated

625 by the several drives initiated during 1950-1952. In order to make certain of the mass participation of urban residents in these drives for the large-scale condemnation, arrest, and prosecution of criminals, the Communists took direct control of the urban population. Immediately after the Communist seizure of power, measures were taken to evacuate unemployed workers and those originally from neighboring rural areas.[27] During and after the Land Reform Movement, the exodus of farmers from rural areas was controlled by the City-village Joint Office, which was staffed with public security officials from both urban and rural communities. Anyone who planned to move from one community to another had first to obtain permission from the office. The continuous evacuation of unskilled and unemployed workers arranged by the trade unions in co-operation with public security agencies, was an attempt to reduce urban population and thus make it easier to control. The evacuation of one million urban inhabitants from the city of Shanghai to the neighboring farm districts was not merely an economic measure; it was a political scheme to strengthen "public security" in the city of Shanghai.[28]

625 486 Equally effective is the rigid control of census-taking in the cities and in the rural communities.

27. Report of trade union work in Shanghai, Liberation Daily, Oct. 18, 1950 p. 1.

28. For summary of the measure, consult Forcible Evacuation of One-Seventh Shanghai's Population in Full Swing, Union Research, Series No. 1, Hong Kong, Sept. 6, 1955.

1:Stanford U. S-4, 5 1956 AF 15 East China
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625 486 Two directives issued by the Shanghai Department of Public Security in April 1951[29] and one issued by the Department of Public Security of the East China Military and Political Committee[30] provide sufficient evidence. According to a directive for the city of Shanghai, any resident who wished to move had first to obtain permission from a public security agency. Persons who wished to stay overnight were to be reported. The directive of April 1952, applied to all the cities in the East China Region, had the same rigid pattern. The only exception was that visitors who stayed longer than three days were required to report. In Shanghai, an overnight guest had to register.

Hotels hospitals and other places accomodating transient personnel followed a somewhat different procedure. Daily reports were required. The nationwide census in 1953 placed urban residents under further vigilance. Planned purchase and marketing (another name for rationing) introduced at the end of 1953 also helped in strengthening control. A directive issued by the State Council in July 1955 placed the registration upon a permanent basis.[31] The census is to be taken annually, and responsibility rests solely on the public security agencies.

625 The establishment of various control agencies in the cities has been discussed under the general heading "Communist Political Power in the Cities" in the chapter on Political Dynamics.

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29. Liberation Daily, April 22, 1951, p. 6.
30. Ibid., April 27, 1952, p. 2.
31. People's Daily, July 3, 1955, p. 1.

625 Of particular interest is the public security sub-station and the security committees, which are widely established in the urban inhabitants' committees. The security committee was first organized in all streets and alleys during the Suppression-of-Counterrevolutionaries Movement in 1951. Several security committees are linked, with jurisdiction equivalent to that of a public security sub-station, to form a general committee headed by the chief of the station. The sub-station consists of a chief, deputy chiefs, and several policemen. They have been assigned many functions for the maintenance and enforcement of public order. Included among these functions are "the enforcement of laws on public security and social order, the suppression of sabotage activities, the prevention and curbing of bandit activities and other criminal acts, the surveillance of counterrevolutionaries, the control of census, and the direction of the work of the security committees."

Security committees also exist in factories, business enterprises, and other industrial organizations. These committees are concerned with security and safety measures. This principle was registered in the several orders governing labor discipline. The organization of workers' "suppression teams" in all organizations in the city is a measure used to further mass participation in public security work. As of January 1950, some 40,000 workers had joined these teams. Their forced participation in all movements, particularly in the Three-Anti and Five-Anti campaigns, exposes the regime's habitual use of violence.

•625 656 The issuance of regulations pertaining to public security matters is a function of the public security agencies at all levels. Apart from the regulations issued under the Ministry of Public Security which require nationwide enforcement, local regulations can be issued by the local public security organizations. Regulations applied to urban inhabitants in the city of Shanghai are so many that individual movement and action are severely restricted. The regulation requiring the registration of all social organizations,[32] is so rigid that no association can be organized without the sponsorship of the Communist Party and its affiliated organizations. The requirement for the registration of firearms tends to prohibit the possession of pistols and firearms of any kind.[33] Other regulations,[34] like that which governs the inspection of luggage at all transportation centers and points of entry, are very severe. Luggage and personal belongings can be examined by public security agencies, customs officials, and medical authorities at any place and at any time.

The issuance of regulations governing the conduct of business and recreation is a means of establishing the surveillance of public security agencies over all activities. Even the movements and activities of cabaret girls are restricted by this control scheme.[35] The regulation on the supply

32. Liberation Daily Oct. 21 1950, p. 1.
33. Ibid., June 29, 1951, p. 5.
34. Ibid., May 28, 1951, p. 2.
35. Ibid., May 10 1951 p. 3.

625 and sale of radios and electrical appliances,[36] 656 issued by the Ministry of Public Security in July 1955. requires each electrical shop to secure a permit from a public security agency before requesting a license from the Department of Industry of the local government. Monthly reports of sale and inventory are also required. Failure to report suspicious patrons to the security agency is a punishable offense. This newly published regulation which supercedes a similar regulation issued by the same ministry in August 1951, sets forth a further restriction; owners of electrical appliances must secure permits from a public security agency before repairs can be made. Other regulations governing the operation of hotels, warehouses, pawnshops, and recreational facilities are very rigid. In addition to these regulations, commercial firms are subject to controls by other governmental agencies, including those in charge of "public purchase and marketing."

B. Police

625 Since policing is a function of the public security organizations at all levels, their functions are the same as those of the public security agencies. The police in Shanghai have an additional force for garrison duties. This police force can be stationed at any point in the city to safeguard "public order." Unquestionably this system helps to provide additional control over the people in key centers. The organization of a new police force has been attempted by the Communist regime. New personnel have been hired and there is a constant reorganization of

36. People's Daily, July 26, 1955, p. 3.

625 the entire existing police force.

The police should be distinguished from the security forces, which as a component part of the armed forces, are allegedly under the control of the military district command. However, the latest trend indicates an integration of the security forces into the police force. Such a step has already been taken at the district and county level, where the armed force of the police is organized to perform the functions of its predecessor, the security force.

## III. CRIMINAL CODES AND LAWS GOVERNING COUNTERREVOLUTIONARY ACTIVITIES

671 Although the compilation of a criminal and civil code is assigned to the State Council's Bureau of Codification, the former Commission on Codification under the Government Administration Council, as yet no report has been made available. However, at different times decrees and orders have been issued by governments of all levels. The examination of some such decrees will help to explain how the Communist regime seeks to maintain "public order and safety."

### A. Criminal Code

694 671 The decree[37] promulgated by the Chairman of the People's Republic of China in December 1954 explains the procedures for arrest and detention.

37. People's Daily, Dec. 21, 1954, p. 1.

Shanghai in 1906 and began a crusade especially against American brothels. He became exceedingly unpopular in Shanghai, and finally felt obliged to sue the *Shanghai Gazette* for libel after he had abandoned both his crusade and his post and prepared to return to the United States.[7]

Opium dens in the two foreign settlements remained open long after those in the Chinese city had been officially (i.e., in many cases not actually) closed by imperial decree, and until at least 1935 these establishments flourished publicly. Subsequent regulations merely made them more circumspect. In the French Settlement opium vendors on the streets sold their wares in paper packets with labels giving their names, addresses, and telephone numbers. (Opium establishments were increasingly numerous and open in the Chinese city also after 1911, and into the 1940's). Kidnapping[1] was another important enterprise, and a highly profitable one, since many wealthy Chinese moved into the foreign settlements where their property and persons were more secure but whence they or their children could be spirited over the short distance into Chinese territory and held for ransom. Organized commercial gambling was also a big business, and existed in Shanghai probably on a larger scale than in any other city in the world.[8]

Law enforcement was severely handicapped by the complex but ambiguous legal and administrative situation. Chinese police could not pursue suspects into the foreign settlements, and foreign police were similarly excluded from the Chinese areas. Foreigners in Shanghai lived under extraterritoriality, by which they were governed according to their respective national laws administered by their own consuls, but the law was seldom read to them with the same severity as it would have been at home. For one thing, the consul was often personally involved in business affairs in Shanghai, or was at least a personal friend of the defendant or plaintiff. Petty and grand swindles of all kinds tended to flourish under such conditions. It was easy enough for a foreigner to leave Shanghai if it became necessary, and he seldom had to face legal consequences at home. Chinese residents of the foreign settlements had unprecedented freedom of movement and activity. Foreign legal authority over them was tenuous, Chinese police could not operate in the Settle-

[1] Lin Shanghai -- Analyst

2: Murphy G-4 (no date) 1953 AF15 East China AF15



ments, and extradition was possible only with the approval of the Shanghai Municipal Council (or the French Municipal Council for the French Settlement), which was not often granted. Police expenses accounted for 40 to 50 per cent of the annual budget of the Shanghai Municipal Council from 1855 to 1941, but even this remarkably heavy allotment did not achieve a rule of law and morality.

Shanghai was a place where two civilizations met and where neither prevailed. To the foreigners, it was out of bounds, beyond the knowledge or supervision of their own culture, where each man was a law unto himself, or where he easily adjusted to the prevailing *mores* with no qualms of conscience. Morality was irrelevant or meaningless in Shanghai, an atmosphere which was apparent to even the casual visitor. The fact that Shanghai was also a major port of call and naval station helped to prosper this attitude; sailors often formed a majority of the foreign population.* For the Chinese, Shanghai was equally off limits. Those who had chosen this new kind of life, like the merchants, were by that choice cut off from traditional China and from the sanctions which it imposed. Others who drifted to the city during famines or civil wars, or were kidnapped from the country as domestic servants, had by definition lost their family connections, which in traditional China was total physical and moral destitution. Small wonder that many of them turned to prostitution.

On top of this was the continually fluctuating population. Few people, Chinese or foreign, came to the city with the hope of remaining there long; most of them aimed to make a fortune in a few years and then to leave. Many of them did remain, but so did the frenzied atmosphere. The international, intercultural nature of the city added to its excitement. Foreign hotels found it necessary to advertise their ability to speak with patrons in English, French, German, and Russian as a minimum. Concerned missionaries and visiting judges contended with this tempting and stimulating situation in vain. It remained for the Communist administration of the city after 1949 to substitute their familiar order of austerity and

* The city gave its name to the practice of kidnapping men to work ships whose crews had found Shanghai's attractions too great. Both foreigners and Chinese were "Shanghaied" by roving gangs, often in search of coolie labor for East or West Indian plantations as well as of crews.

3: Hinder G-5 (1933-1942) 1944 AF15 East China AF15



but until the occupation of the Settlement by Japanese forces in 1941, this document, the Settlement's constitution as it were, remained practically unchanged. Any change in Byelaws required the consent of a special meeting of ratepayers with a stipulated quorum of the Consular Body in Shanghai, of the Diplomatic Body. Changes in the Land Regulations required approval of the Chinese Government. A Chinese Government which resented the existence of areas alienated from its control refused to contribute to the perpetuation of foreign administration by agreeing to changes in Land Regulations. Thus for several decades prior to 1941 the Council had to proceed under an archaic set of constitutional powers. It possessed no specific power to deal with labour and social issues. After the occupation of the Settlement by Japanese forces and the consequent coming under Japanese direction of the whole Council administration, pseudo-changes in the Land Regulations were considered. No final information is available on this matter, but presumably the form would be gone through of submitting them to a Council which was under Japanese influence, to a compliant Consular and Diplomatic Body consisting of Axis and neutral representatives, and to the Japanese-sponsored Chinese Government in Nanking, whose consent to changes could, it is assumed, be obtained. By this procedure a semblance of legality would be sought. Whether legally obtained or not, the Nanking-staffed First Special District Court in Shanghai would apply bye-laws derived from newly assumed basic powers in the Land Regulations.

The Organic Law Governing Municipalities promulgated by the Chinese Government in 1930 by comparison granted wide powers to municipalities created by that Government. In particular, Sub-section 5, Article 8 of this Law gave to municipalities the power to administer and bureaucratically to enforce provisions relating to labour.

Possibly because of the lack of enabling byelaws, but possibly also because concern with industrial and social issues came late in China itself, the Council's consideration of certain types of social problems was late also. It was natural that the first municipal emphases historically were logically on the maintenance of public order through police services; on the provision of public health services in a country where modern ideas of sanitation have lagged

S. Hinder G-5 (1933-1942) 1944 AF15 East China AF15



here, avoiding making a mistake there, trying certain steps without instruction,—and hoping they would succeed. If they did, they could be gently reported in a monthly or annual report. If they were part of an adopted and printed report, the policy involved in these steps might be considered as not forbidden, and hence to be further acted upon. In the ten years of its existence the Council evidently found it preferable and expedient not to instruct or design the Division's development.

Several functions of the Division of considerable importance were thus developed. Work in relation to mediation of industrial disputes, to be described in detail in a later chapter,[1] was begun without specific authority and instruction. Yet it was brought to a stage when it could exercise a considerable influence over livelihood, and where no major dispute occurred which was not mediated by the Division. In this particular instance, a quiet procedure was used because of the general position the Municipal police held. The police had been long established. To them, disputes were potential civil disturbances. They had for many years been the arbiters of strikes: but they had no conviction such as the Division held concerning the right of workers to collective action. Their province was more properly that of preserving the peace than removing potential causes of its breach. The method employed was, therefore, to use existing members of the Division staff to make experiments in mediation; when a dispute occurred to call on management to seek information as to its view of the dispute, to seek contact with workers and suggest that services in mediation by the Division's fair handling might be useful. It did not take more than a few months for a reputation to be built up among workers in a few enterprises. These, in turn, informed other workers, who, when they were involved in a dispute, called on the Division seeking its assistance. Similarly, employers for their part came to appreciate the services offered. Within a year its place was fully established. The confidence which was engendered proved the most potent influence in success. Because of the Division's greater specific knowledge of conditions of work and of understanding of the psychology of workers, the day came when the police recognised that their object of preserving the peace in industrial disputes could be served by inviting the mediatory services of

[1] Chapter VI.

[1] [Industrial Division of the Shanghai Municipal Council -- Analyst]

3: Hinder G-5 (1933-1942) 1944 AF15 East China AF15



633 466 625 the Division. It is doubtful if this success would have been achieved if the substantial power of the police had been challenged by raising the question of a social approach to industrial disputes. Nor is it likely that a Council accustomed to listening to police warnings of possible civil disturbances if such and such a policy were instituted, would have upheld the views of a new social service against police objection. Instead, gradual successful practice of mediation at length established the theory of the appropriateness of the acquired mediation functions and the principle on which they rested.

633 466 625 467 It is admitted that in thus avoiding an open raising of issues the Division lost that chance for educative work which the democratic process would have given, in seeking, despite probable failure, to establish recognition of the theoretical as well as the practical validity of the social aims pursued. But when discussion might have meant inaction, it was better to forfeit it. It was never politic to raise formally with the police, with any chance of success, a proposal that labour unions should be encouraged, the view which the Division held. From 1937 onward Municipal Police required the registration of all organisations. They reserved the right to refuse to register those whose actions in their opinion would not help to maintain public peace. They refused to register labour unions. They permitted the registration of "mutual aid" groups with common occupational interests, but if these attempted to act as unions in formulating demands, their registration was cancelled. Some police officials took the view that all leaders of their fellows in any concerted action, no matter how unsupportable the conditions of work against which they protested, were "agitators." On occasions when informal discussion took place with individual members of police in positions of authority, few could be brought to see that unions encouraged and registered, with accepted leadership, could be a factor in preventing the use of unions by less desirable elements. Their negative recourse was to deny unions the right to exist. As later chapters will show, this attitude did not prevent powerful worker action. It merely deprived workers and the community alike of proper instruments for mediation and the development of experienced and acknowledged leadership.

633 466 511 In one issue where a discussion took place, the Division had to wage not one but several campaigns to preserve for the community

3: Hinder G-5 (1933-1942) 1944 AF15 East China AF15



was able to obtain through the Division's mediation in August 1942, a collective agreement embodying a minimum monthly pay of CRB$200 whether employees worked or not during slack months when otherwise they would not be able to earn this amount. Unions, too, were active in claiming on behalf of their members adequate discharge allowances. 467 668

It can thus be seen that labour was by no means inarticulate, nor did it necessarily await the stimulation of political groups to lend it cohesion and the power to act in concert. When impelled by a sense of economic needs, workers formulated demands which they pressed upon employers. Leaders emerged to conduct negotiations, often with considerable astuteness, and though in many cases they were almost illiterate, they were often keenly intelligent.

How was the Division apprised of imminent industrial unrest? Without compulsory powers to require the submission of a dispute to mediation, it nevertheless arrived at the place where few serious disputes occurred which were not brought to it for settlement. There was a gradual building up of confidence in its fair handling of matters in dispute and one group of satisfied workers passed word to another that application to the Division for mediation would have useful results. Disputes could of course be referred by either party; but as a matter of technique the Division mediated most successfully when workers, not management, presented the request. The reason is obvious: workers may distrust a mediator whose help has been sought by an employer. The Division sometimes waited days after a case was referred by management, in the mean.while trying through other workers whose confidence had been won, to have the workers involved in the dispute request mediation. 468 633

An obvious principle for the Division in mediation was not to break the strength of the workers. If their bargaining power were weakened, the process became not one of mediation between parties of equal strength, but a dictation of its views on the part of a stronger management. This view of the Division did not always correspond with that held by the Municipal police, who also were associated with the settlement of some disputes, usually those where violence or threat of violence had occurred. The police, whose function was primarily to preserve peace and order, 468 633 625

3: Hinder G-5 (1939-1942) 1944 AF15 East China AF15



[625] 468 633 tended towards the simple formula of taking the line of least resistance by requiring that workers return to work before mediation was undertaken. But workers who, having struck, went back to work, were workers weakened in their struggle. It must not be thought from this that there was any truckling to workers. The mediation officers did not hesitate to state when, in their view, the demands of labour were unreasonable. Equally the viewpoint of management was taken into account. Where it was reasonable it was supported; where it was thought there should be concessions the management was frankly told so. No pressure, however, was brought either to induce workers to resume before they were satisfied that they had obtained the best possible adjustment of their claims, or to induce management to make a settlement which it would regret.

The work of the Industrial Relations Section of the Division became partly mediating, and, as time went on, increasingly consultative. Both workers and management frequently sought advice on their situations before an open break occurred, and a final breach was more frequently avoided than not. But workers were not restrained by the Division from striking, if without the exercise of this instrument they could not obtain a just hearing for their demands. Nor was management, if workers proved unreasonable, over-persuaded not to use the weapon of lockout.

468 625 579 VIOLENCE SOMETIMES accompanied labour disputes. When workers refused to leave the plant, "sat down," or even locked up the management, then the police had to be called in. Every effort was made to avoid clashes with workers, but there were occasions when the police officer in charge believed it necessary to clear the plant. Workers then might seize any handy missile, from iron bars to bricks or garbage, with which they attempted to resist the police. In one strike early in 1941 the management permitted the men to enter the plant each morning for three days and to leave it each evening, without having done any work, in an effort to avoid the necessity for calling in the police. Meantime negotiations were attempted. When on the morning of the fourth day workers tried to enter the compound armed with iron rods, they were prevented from doing so, and the police were informed. In an ensuing melée many workers and policemen were injured, some workers fatally.

3: Hinder G-5 (1933-1942) 1944 AF15 East China AF15



1935 there were 38,915 foreign residents, of more than fifty nationalities. In 1870 at the time of the first census of the foreign population, foreign residents had numbered 1,666, and 6,774 in 1900.

Normally 1940 should have seen the taking of the quinquennial census which had been carried out regularly since the initial years mentioned above. The Council, however, decided to dispense with census-taking in that year. Police, with whose assistance the distribution and collection of census papers were accomplished, were preoccupied in combating serious armed terroristic activities. Moreover, Chinese members of the Shanghai Municipal Police had not completely resumed their former duties in the area of the Settlement north of Soochow Creek, in which Japanese military authorities continued to exercise military functions, and without police help census-taking was not possible. Great congestion persisted in the area south of Soochow Creek, but as a result of the destruction of many dwellings in 1937 during the fighting north of the Creek, the congestion per unit area there was less than formerly. The 1942 count of heads provided none of the usual additional information sought by a Settlement census. Hence it is necessary to rely on 1935 figures.

What was the population density in 1935? The basis of computation was the number of persons per unit area—in this case the number per acre. In the most densely populated police district, the figure was 547 per acre; a figure of more than 300 per acre obtained in nineteen police districts. A non-scientific, but for the average person a revealing, method would be to state the average numbers of persons and families per house, even though the size of the houses might vary.[3] Actually there is a certain uniformity in

[3] COMPARISONS OF CHINESE POPULATION AND HOUSE OCCUPANCY
(at five-yearly periods)

| Year | Chinese Population | Chinese Houses | |
|---|---|---|---|
| | | Occupied | Unoccupied |
| 1935 | 1,120,860 | 74,952 | 6,967 |
| 1930 | 971,397 | 72,686 | 1,509 |
| 1925 | 810,279 | 65,474 | 2,357 |
| 1920 | 759,839 | 60,472 | 517 |
| 1915 | 620,401 | 54,083 | 1,856 |
| 1910 | 488,005 | 47,703 | 4,305 |
| 1905 | 452,716 | 44,316 | 1,012 |
| 1900 | 345,276 | 36,902 | 6,021 |
| 1895 | 240,995 | 29,851 | 800 |
| 1890 | 168,129 | 21,976 | 1,508 |
| 1885 | 115,170 | 18,513 | 3,064 |
| 1880 | 99,195 | 16,283 | 1,158 |